



General Assembly

February Session, 2014

Raised Bill No. 5448

LCO No. 1561



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE DISCONTINUANCE OF HIGHWAYS AND
PRIVATE WAYS BY MUNICIPALITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13a-49 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014, and*
3 *applicable to discontinuances or partial discontinuances considered or*
4 *approved on or after said date*):

5 (a) (1) The selectmen of any town may, subject to approval by a
6 majority vote at any regular or special town meeting, by a writing
7 signed by them, discontinue any highway or private way, or land
8 dedicated as such, in its entirety, or may discontinue any portion
9 thereof or any property right of the town or public therein, except
10 when laid out by a court or the General Assembly, and except where
11 such highway is within a city, or within a borough having control of
12 highways within its limits.

13 (2) Whenever the selectmen of a town meet to consider the
14 discontinuance or partial discontinuance of a highway or private way,

15 or land dedicated as such, or portion thereof, at a regular or special
16 town meeting on or after October 1, 2014, they shall provide written
17 notice of the meeting to each owner of property that bounds the
18 highway or private way, or land dedicated as such, or portion thereof.
19 Such notice shall be provided by mailing a notice of the date, time,
20 place and subject of such meeting to such each owner's address, as
21 shown in the last-completed grand list of the town, by first class mail,
22 postmarked at least fifteen days prior to the date of such meeting. If, in
23 the opinion of the selectmen, the boundary lines or limits of such
24 highway or private way have become lost or uncertain, the selectmen
25 shall make reasonable efforts to identify the boundary lines or limits of
26 such highway or private way, and shall give notice of such meeting to
27 each owner of property that bounds such identified boundary line or
28 limit in accordance with this subdivision. Such reasonable efforts need
29 not include an examination of title or abstracts thereof or a land
30 survey.

31 (3) If the selectmen vote to approve such discontinuance or partial
32 discontinuance at a regular or special town meeting on or after October
33 1, 2014, they shall cause to be recorded on the land records of the town
34 a notice of such approval, which notice shall include (A) a listing of
35 each parcel of property identified pursuant to subdivision (2) of this
36 subsection to bound (i) such highway or private way, or land
37 dedicated as such, or (ii) such identified boundary line or limit, and (B)
38 the name of the owner of each such parcel of property as shown in the
39 last-completed grand list of the town.

40 (4) Any person aggrieved by a discontinuance or partial
41 discontinuance under this subsection may [be relieved by application]
42 apply to the Superior Court [, to be made and proceeded with] in the
43 manner prescribed in section 13a-62.

44 (b) Whenever a petition has been presented to the selectmen for
45 such discontinuance or partial discontinuance of any land dedicated as
46 a highway or private way but which has not been actually used,

47 worked or accepted [.] as a highway [.] by the town, and such
48 discontinuance or partial discontinuance has not been made by the
49 selectmen and approved by the town within twelve months after such
50 presentation, any person aggrieved may [be relieved by application]
51 apply to said court [, to be made and proceeded with] in the manner
52 prescribed in section 13a-62.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014, and applicable to discontinuances or partial discontinuances considered or approved on or after said date</i>	13a-49

Statement of Purpose:

To require town selectmen to notify abutting property owners when the selectmen propose to discontinue all or part of a highway, private way, or land dedicated for such use.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]